

## Retention Guidelines for English Learner Students

Retention of English learner (EL) students shall not be based solely upon level of English language proficiency (Section I, Part G, Guidelines to Satisfy Legal Requirements of Lau v. Nichols). Prior to considering retention of an EL student, the following points should be addressed in consultation with the English as a second language (ESL) staff or designated district language proficiency contact person.

1. Has the student been enrolled in the school district for more than one full academic year? If not, the child may have spent more than one-half of the year in a “silent period.” Two to four months may be inadequate for educational goals.
2. Is academic content being delivered with scaffolding, accommodations, and/or modifications in the areas of:
  - the classroom instruction,
  - assignments,
  - homework, and
  - formative and summative assessments?
3. Are all scaffolding strategies, use of accommodations, and/or modifications documented in writing with dates and comments? Has there been a discussion with the ESL/Title III coordinator?
4. Does the student have access to instruction that is scaffolded for his/her English language proficiency level? Has the use of strategies been documented for success or further need?
5. Are beginner/intermediate students receiving an hour of ESL daily? Is a more advanced student receiving enough ESL for instruction to be meaningful?
6. Does the teacher use flexible grading through a rubric or contract appropriate for the student’s level of English proficiency?
7. Is there evidence the student has been receiving coordination of services to help with area(s) of need? (i.e. ESL time, RTI<sup>2</sup>, RTI<sup>2</sup>-B, tutoring, etc.)

Retention policies for EL students should not be based on one specific piece of data alone or any sole criterion. Retention does not generally help the child with academic achievement. Every effort should be made to move the child to the next level of academic work and allow the child to remain in the grade that is age appropriate.

Retention of EL students will not facilitate English language acquisition. The process of language acquisition should occur at all grade levels. If you need technical assistance, please contact [Hannah.Gribble@tn.gov](mailto:Hannah.Gribble@tn.gov) or [Joann.Runion@tn.gov](mailto:Joann.Runion@tn.gov).